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APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
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08/787, 271 01/24/97 CISAR

A LYNN/0020

EXAMINER

TM81/0929

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MAPLES, J	ART UNIT	PAPER NUMBER
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1745

9

DATE MAILED: 09/29/98

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

OFFICE ACTION SUMMARY

- Responsive to communication(s) filed on 6/21; 8/31/98
- This action is FINAL.
- Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 D.C. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire THREE month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

- Claim(s) 1-3, 5-25, 27-30 is/are pending in the application.
Of the above, claim(s) 27-29 is/are withdrawn from consideration.
- Claim(s) _____ is/are allowed.
- Claim(s) 1-3, 6-9, 11-15, 23, 24, 30 is/are rejected.
- Claim(s) 5, 10, 16-23, 25 is/are objected to, BECAUSE ^{DISPENSED ON A REJECTED CLAIM}
- Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- The drawing(s) filed on _____ is/are objected to by the Examiner.
- The proposed drawing correction, filed on _____ is approved disapproved.
- The specification is objected to by the Examiner.
- The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- All Some* None of the CERTIFIED copies of the priority documents have been
- received.
- received in Application No. (Series Code/Serial Number) _____.
- received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

- Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- Notice of Reference Cited, PTO-892
- Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- Interview Summary, PTO-413
- Notice of Draftsperson's Patent Drawing Review, PTO-948
- Notice of Informal Patent Application, PTO-152

-SEE OFFICE ACTION ON THE FOLLOWING PAGES-

Art Unit: 1745

1. Applicant's election with traverse of Group I in Paper No. 6 is acknowledged. The traversal is on the grounds that because both Groups are drawn to bipolar plates, they are not properly restrictable . This is not found persuasive because, as stated in Paper No. 5, Group II includes features not part of the Group I claims. These features include not only a cooling fluid field but also manifolds, for example, which features are not part of the Group I claims.

The requirement is still deemed proper and is therefore made FINAL.

2. Claims 3 and 23-24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. (New Rejection)

Claim 3 recites a metal while claim 1, which claim 3 depends upon, recites a polymer. The same is unclear.

Claim 23, line 2 recites a "porous electrically conducting sheet". Which of the two sheets of claim 20 is referenced? Ditto for the same sheet of claim 24, lines 2-3.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. Claims 1, 2, 6-9, 11-15 and 30 are rejected under 35 U.S.C. 102(e) as being anticipated by Grosvenor et al. (New Rejection)

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Reference is made to Figure 2 along with column 8, line 8-column 9, line 30 of the patent to Grosvenor et al.

Applicant's arguments have all been considered but are not deemed persuasive because of the above new grounds of rejection.

5. Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication should be directed to John S. Maples at telephone number (703) 308-1795.

JSM/9-28-98

John S. Maples
JOHN S. MAPLES
PRIMARY EXAMINER
GROUP 1745